

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

THE COMMONWEALTH OF
MASSACHUSETTS,

Plaintiff,

and

AQUINNAH/GAY HEAD
COMMUNITY ASSOCIATION, INC.
(AGHCA) and TOWN OF AQUINNAH,

*Intervenor-Plaintiffs/Counterclaim-
Defendants,*

vs.

THE WAMPANOAG TRIBE OF GAY
HEAD (AQUINNAH), THE
WAMPANOAG TRIBAL COUNCIL OF
GAY HEAD, INC., and THE
AQUINNAH WAMPANOAG GAMING
CORPORATION,

Defendants/Counterclaim-Plaintiffs,

and

CHARLIE BAKER, in his official
capacity as GOVERNOR,
COMMONWEALTH OF
MASSACHUSETTS, et al.,

Third-Party Defendants.

CASE NO: 1:13-cv-13286-FDS

[Formerly Supreme Judicial Court for Suffolk
County, Massachusetts, CIVIL ACTION NO.
2013-0479]

**ERIC ROBITAILLE DECLARATION IN OPPOSITION TO THE TOWN
OF AQUINNAH'S MOTION FOR ENTRY OF FINAL JUDGMENT**

I, ERIC ROBITAILLE declare:

1. I am a Construction Project Executive employed by Williams Building Company, Inc, (“Williams”) located in the Hyannis, Massachusetts.
2. I am a resident of the Commonwealth of Massachusetts.
3. Williams Building Company, Inc. provides construction management, pre-construction, design build, general contracting and green energy service throughout New England.
4. The Aquinnah Wampanoag Gaming Corporation (“AWGC”) entered into a construction contract with Williams Building Company, Inc. to construct a temporary gaming facility on tribal property located at 10 Black Brook Road, Aquinnah Massachusetts formerly 4 State Road, Aquinnah, Massachusetts.
5. I am the Project Manager for the gaming facility construction site located at 10 Black Brook Road, formerly 4 State Road, Aquinnah, Massachusetts.
6. As part of the site preparation, an existing structure on the property was scheduled for demolition. Our electrical subcontractor, a licensed electrician, was contracted to move an electrical wire from a structure that was set to be demolished on 1 Black Brook Road, formerly 4 State Road, and to plug the wire into a properly installed meter on a pole on the property as is a common practice when demolishing one structure to begin construction on another structure. To the best of my knowledge, at no time was there a safety hazard related to the wire move on the site.
7. Following the wire move and creating an account for the construction electrical service under Williams name, it is my understanding, our subcontractor went to the Town of Aquinnah Electrical Inspector to request a permit to commence construction using the properly installed electricity on the property. However, instead of the Town of Aquinnah

issuing the permit as is typical, it is my understanding, the Town called Eversource and disconnected the electricity connection to the site.

8. As of the date of this Declaration, no permit has issued and there is no electricity on the site.
9. I have personal knowledge of the facts set forth above and if called as a witness, I could and would competently testify to the contents of this Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th Day of April, 2019.



ERIC ROBITAILLE, PROJECT EXECUTIVE
WILLIAMS BUILDING COMPANY, INC